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10/822,999	04/13/2004	Robert Minter Alexander IV	67519.001138	4661

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HUNTON & WILLIAMS LLP  
INTELLECTUAL PROPERTY DEPARTMENT  
1900 K STREET, N.W.  
SUITE 1200  
WASHINGTON, DC 20006-1109

EXAMINER
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MEHTA, NANCY T

ART UNIT	PAPER NUMBER
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3692

MAIL DATE	DELIVERY MODE
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01/08/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/822,999	<b>Applicant(s)</b> ALEXANDER ET AL.	
	<b>Examiner</b> NANCY MEHTA	<b>Art Unit</b> 3692	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Status of Application***

This office action is in response to the amendments and arguments filed by applicant on 10/06/2008.

- Claims 1, 4, 7, 11-13, 16-17, 19-20, 25, 34-35, 37-38, and 40-42 are amended
- No claims are cancelled
- No claims are added
- Claims 1-42 are pending

### ***New Matter Rejection***

The amendment filed 10/06/2008 contains claims 1, 20, 38, and 40-42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

For instance, in claims 1, 20, 38, and 40-42 the limitation, "a source account owned by the account holder to a destination account owned by the account holder", contains a newly added feature " owned by the account holder", which does not have adequate support in the specification to suggest to one of ordinary skill in the art at the time of the invention that the source and destination account are owned by the account holder.

Since the examiner was unable to find adequate support in the specification for the newly added limitations, the examiner requests applicant to provide further clarification of support in the specification for the newly added claimed limitations.

However, in order to promote compact prosecution, the examiner has fully considered the amended claims and the response to the amended claims is provided in the Office Action below.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (2002/0029194) and further in view of Kravitz (6,029,150).

As per claim 1: Lewis shows:

A method for processing a purchase transaction between an account holder and a merchant (Abstract, Summary, Fig. 5, "Generate password and pin" #50, Fig. 6, "Activate account" #72, and Fig. 10, "Registration" #43), the method comprising:  
automatically requesting an automated clearing house transfer from a source account owned by the account holder to a destination account owned by the account holder via an automated clearing house network (Abstract, Summary: where the fund transfers are requested via ACH to make the transfer more secure. [0027]: where once

the transaction goes through the required approvals, funds are transferred to appropriate account(s) from appropriate account(s), where the account transferring the fund is the source account and the account receiving the fund is the destination account. [0135] - [0141]: where the transfer of funds can be made from the bank account of the purchaser to an escrow account until the intricacies of the transaction and carried out. Since an escrow account is an account established on behalf of the borrower or the purchaser, the bank account transferring funds to the escrow account is the “source account owned by the account holder” and the escrow account holding the funds on behalf of the purchaser is the “destination account owned by the account holder”);

receiving the automated clearing house transfer ([0027]: where once the transaction goes through the required approvals, funds are transferred to appropriate account(s) from appropriate account(s), where the account transferring the fund is the source account and the account receiving the fund is the destination account.);

adjusting destination account data associated with the destination account by increasing a balance of the destination account by an amount of the transfer ([0027]: where once the transfer of funds takes place the destination account is credited with the funds transferred thereby increasing the total amount of funds in the destination account.);

although Lewis shows a system of performing secure online transactions by creating a personalized “space” for all participants, where each participant is required to register through the site before he/she can use the site, Lewis does not explicitly show

“receiving transaction data from [[a]] the merchant indicating an attempted purchase transaction, the transaction data including a transaction amount and data identifying the destination account; and processing the attempted transaction.”

However, Kravitz shows “receiving transaction data from [[a]] the merchant indicating an attempted purchase transaction, the transaction data including a transaction amount and data identifying the destination account; and processing the attempted transaction” (Abstract, Summary, Figs. 1 - 7, column 9, lines 25 - 30: where the agent that acts as an intermediary between the customer and the merchant sends a message to the customer on behalf of the merchant requesting payment for a specific amount to a specific merchant. For the payment to be processed the merchant account information would need to be provided to the customer so that the transaction can be completed and funds can be transferred.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of **Kravitz** in the system of **Lewis**, in order to provide in an electronic payment system comprising an agent, a plurality of customers and a plurality of merchants, the customers having accounts with the agent and each customer sharing a respective secret with the agent. The customer has a mechanism constructed and adapted to send a payment request message in a single authenticated communication comprising an identifier for the customer and a request for payment of a specific amount to a specific merchant of the plurality of merchants (column 9, lines 36 – 51: where the combination of Kravitz and Lewis would allow the parties to a transaction to maintain their privacy, because all transactions would be

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transacted with an agent in the middle, thereby helping in fraud prevention practices that Lewis upholds and maintain additional user security).

processing the attempted purchase transaction with a credit card interchange rate ([0027]: where Lewis shows credit card payments as a method for making electronic funds transfer. Since the interchange rate is charged for credit card transactions, the use of credit card payments would require that the merchant be charged with an interchange rate for the transaction being performed. The interchange rate usually is a percentage of the transaction.); and

transmitting data to the merchant indicating one of authorization of the attempted purchase transaction and denial of the attempted transaction (column 12, lines 30 - 67, column 13, lines 1 - 25: where the customer and transaction information is authorized and the transaction is allowed to proceed only if the verification process is successful. If, however, the authorization is not successful the transaction would be denied.).

As per claim 2: Lewis shows:

The method as set forth in claim 1, wherein automatically requesting the automated clearing house transfer includes automatically requesting the automated clearing house transfer at a predetermined time for a predetermined amount of money ([0130]: where the system in Lewis sends a reminder to the customer if the payment is not received within a predetermined period of time. The system therefore has the ability to set parameters that search for certain predetermined criteria for a transaction to be

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completed.).

As per claim 3: Lewis shows:

The method as set forth in claim 2, wherein the predetermined time is on a recurring basis ([0130]: where the system in Lewis sends a reminder to the customer if the payment is not received within a predetermined period of time. The system therefore has the ability to set parameters that search for certain predetermined criteria for a transaction to be completed.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system in Lewis with the ability to perform specific actions at predetermined time on a recurring basis in order to ensure that the transaction could be processed without manual prompts, so that the system can be made more efficient and user-friendly.

As per claim 4: Lewis shows:

The method as set forth in claim 1, wherein automatically requesting the automated clearing house transfer includes automatically requesting the automated clearing house transfer on a transactional basis or on request by one of [[an associated]] the account holder and an associated financial institution (Abstract, Summary).

As per claim 5: Lewis shows:



The method as set forth in claim 3, wherein the recurring basis occurs one of daily, weekly, monthly and yearly ([0130]: where the system in Lewis sends a reminder to the customer if the payment is not received within a predetermined period of time. The system therefore has the ability to set parameters that search for certain predetermined criteria for a transaction to be completed.). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the system in Lewis with the ability to perform specific actions at predetermined time on a recurring basis in order to ensure that the transaction could be processed without manual prompts, so that the system can be made more efficient and user-friendly.

Lewis, however, does not expressly teach “the recurring basis occurs one of daily, weekly, monthly and yearly.”

The Examiner notes that although Lewis does not expressly “The method as set forth in claim 3, wherein the recurring basis occurs one of daily, weekly, monthly and yearly”, such an administrative detail does not patentably distinguish the presently claimed subject matter over the prior art.

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the method of Lewis for credit card transactions to allow the process to recur on a period basis and regular time intervals so that the system can track the transactions in a more efficient and predictable manner.

As per claim 6: Lewis does not explicitly show:

The method as set forth in claim 1, wherein the source account is one of a checking account, a savings account and a money market account.

However, it would have been obvious to one of ordinary skill in the art to modify the source account in Lewis such that it is one of a checking account, savings account and a money market account in order to provide flexibility in the transfer of funds for the financial entity and also for the parties to the sale.

As per claim 7: Lewis shows:

The method as set forth in claim 1, wherein the destination account is [[one of a checking account, a savings account and a money market]] credit card account ([0027]).

As per claim 8: Lewis shows:

The method as set forth in claim 1, wherein the source account and the destination account are managed by the same financial institution ([0054], Fig. 2, #186, "transaction manager": where the transaction manager serves as the coordinator that manages state of the transaction and thereby manages the source and the destination account.).

As per claim 9: Lewis shows:

The method as set forth in claim 6, wherein the financial institution is one of a bank and a credit card company (Abstract, summary: where the transactions can be

performed using credit cards and on mortgage involving a bank.).

As per claim 10: Lewis shows:

The method as set forth in claim 1, wherein receiving the transaction data from the merchant includes receiving the data from the merchant via a proprietary credit network, the proprietary credit network being associated with one of VISA, MasterCard, Plus, Novus, Diner's Club, and American Express.

Lewis shows receiving data from various parties in the transaction in order to ensure all the appropriate forms and laws are followed for the transaction to be legally and securely performed (Abstract, Summary). Lewis however, does not explicitly show "the data from the merchant via a proprietary credit network, the proprietary credit network being associated with one of VISA, MasterCard, Plus, Novus, Diner's Club, and American Express."

However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, *see In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); *MPEP*, 2106.

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As per claim 11: Lewis shows:

The method as set forth in claim 1, wherein  
processing the attempted purchase transaction with the credit card interchange rate includes ([0027]: where Lewis shows credit card payments as a method for making electronic funds transfer. Since the interchange rate is charged for credit card transactions, the use of credit card payments would require that the merchant be charged with an interchange rate for the transaction being performed. The interchange rate usually is a percentage of the transaction.).

a system and method of managing funds electronically. However, Lewis does not explicitly show "the method as set forth in claim 1 wherein processing the attempted transaction includes accessing the balance of the destination account to determine whether the balance is greater than or equal to the transaction amount". However, Kravitz shows "the method as set forth in claim 1 wherein processing the attempted transaction includes accessing the balance of the destination account to determine whether the balance is greater than or equal to the transaction amount" (column 12, lines 34 – 44: where the customer is provided with an opening balance on some regular basis.),

Kravitz also shows "if it is determined that the balance is greater than or equal to the transaction amount authorizing the attempted purchase transaction" (column 12, lines 30 - 67, column 13, lines 1 - 25: where the customer and transaction information is authorized and the transaction is allowed to proceed only if the verification process is successful.), and

Kravitz also shows "if it is determined that the balance is not greater than or equal to the transaction amount, denying the attempted purchase transaction" (column 12, lines 30 - 67, column 13, lines 1 - 25: where the customer and transaction information is authorized and the transaction is allowed to proceed only if the verification process is successful. If the authorization is not successful the transaction would be denied.).

As per claim 12: Lewis shows:

The method as set forth in claim 1, wherein  
processing the attempted transaction with the credit card interchange rate  
includes ([0027]: where Lewis shows credit card payments as a method for making  
electronic funds transfer. Since the interchange rate is charged for credit card  
transactions, the use of credit card payments would require that the merchant be  
charged with an interchange rate for the transaction being performed. The interchange  
rate usually is a percentage of the transaction.).

a system and method of managing funds electronically. However, Lewis does not  
explicitly show "the method as set forth in claim 1 wherein processing the attempted  
transaction includes accessing the balance of the destination account to determine  
whether the balance is greater than or equal to the transaction amount". However,  
Kravitz shows "the method as set forth in claim 1 wherein processing the attempted  
transaction includes accessing the balance of the destination account to determine  
whether the balance is greater than or equal to the transaction amount" (column 12,  
lines 34 – 44: where the customer is provided with an opening balance on some regular  
basis.),

Kravitz also shows “if it is determined that the balance is greater than or equal to the transaction amount authorizing the attempted transaction” (column 12, lines 30 - 67, column 13, lines 1 - 25: where the customer and transaction information is authorized and the transaction is allowed to proceed only if the verification process is successful.), and

Kravitz does not explicitly show “if it is determined that the balance is not greater than or equal to the transaction amount, one of reprocessing the attempted transaction and accessing another account for funding the attempted transaction or at least a portion of the attempted transaction.” However, it would have obvious to one of ordinary skill in the art at the time of the invention to modify the system in Kravitz with an authorization system that allows the transaction to be reprocessed before denying the transaction in order to allow the customer or the user has the ability to modify any incorrect entries before the transaction gets denied so that the transaction can be made more efficient and user friendly.

As per claim 13: Kravitz does not explicitly show:

“The method as set forth in claim 12, wherein [[an]] the account holder [[associated with the source account and the destination account]] is presented with an option of reprocessing the attempted transaction or accessing the other account.” However, it would have obvious to one of ordinary skill in the art at the time of the invention to modify the system in Kravitz with an authorization system that allows the transaction to be reprocessed or another account be accessed before denying the

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transaction in order to allow the customer or the user has the ability to modify any incorrect entries before the transaction gets denied so that the transaction can be made more efficient and user friendly.

As per claim 14: Lewis shows:

The method as set forth in claim 1, wherein processing the attempted transaction includes processing the attempted transaction with an interchange rate, the interchange rate being a percentage of the transaction amount ([0027]: where Lewis shows credit card payments as a method for making electronic funds transfer. Since the interchange rate is charged for credit card transactions, the use of credit card payments would require that the merchant be charged with an interchange rate for the transaction being performed. The interchange rate usually is a percentage of the transaction.).

As per claim 15: Lewis does not explicitly show:

The method as set forth in claim 1, further comprising: providing interest at one of a fixed interest rate and a variable interest rate on at least a portion of the balance of the destination account, the interest accruing after expiration of a predetermined period of time.

However, Lewis shows performance of real estate transactions which would involve utilizing mortgage from financial institutions like banks that offer both variable and fixed interest rates. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Lewis with " providing interest at one of a fixed



interest rate and a variable interest rate on at least a portion of the balance of the destination account, the interest accruing after expiration of a predetermined period of time” in order to provide the buyer with an option to pick the type of interest rate that best suits his or her financial needs at the time the transaction is being financed.

Claims 16 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (2002/0029194) further in view of Kravitz (6,029,150) and Chien et al. (2001/0054003).

As per claim 16: Lewis does not explicitly shows:

The method as set forth in claim 1, further comprising: providing a reward to [[an]] the account holder [[associated with the source account and the destination account]], if the attempted purchase transaction was authorized.

However, Chien shows “The method as set forth in claim 1, further comprising: providing a reward to [[an]] the account holder [[associated with the source account and the destination account]], if the attempted purchase transaction was authorized” (Abstract, Summary, [0027]: where the user is provided with loyalty points for favorable actions like utilizing the system in Chien frequently to receive frequency awards.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of **Chien** in the system of **Lewis**, in order to provide a system and method for facilitating virtually any transaction over a computerized network using any type of loyalty program (Chien (0008): where the combination of Chien and Lewis would allow customers to perform favorable behaviors more often

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thereby encouraging customers to utilize a system more frequently. Thus the combination of Chien in the system of Lewis would improve its popularity and benefit both the customer and provider.).

As per claim 17: Lewis does not explicitly show:

The method as set forth in claim 16, wherein providing the reward includes assigning at least one reward unit to another account associated with the destination account, the at least one reward unit being determined according to the transaction amount of the attempted purchase transaction.

However, Chien shows “The method as set forth in claim 16, wherein providing the reward includes assigning at least one reward unit to another account associated with the destination account, the at least one reward unit being determined according to the transaction amount of the attempted purchase transaction” (Abstract, Summary, [0027]: where the user is provided with loyalty points for favorable actions like utilizing the system in Chien frequently to receive frequency awards.).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teachings of **Chien** in the system of **Lewis**, in order to provide a system and method for facilitating virtually any transaction over a computerized network using any type of loyalty program (Chien (0008): where the combination of Chien and Lewis would allow customers to perform favorable behaviors more often thereby encouraging customers to utilize a system more frequently. Thus the

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combination of Chien in the system of Lewis would improve its popularity and benefit both the customer and provider.).

As per claim 18: Chien shows:

The method as set forth in claim 17, wherein the at least one reward unit includes one of at least one point and at least one mile ([0028]).

As per claim 19: Chien shows:

The method as set forth in claim 16, wherein the reward includes one of a discount on the transaction amount of the attempted purchase transaction, a gift certificate, a coupon, a good and a service (Summary, [0028], coupon, [0029], gift certificate).

Claims 20 – 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (2002/0029194) and further in view of Kravitz (6,029,150).

As per claims 20 – 33:

The examiner notes that claims 20 – 32 recite limitations already addressed in claims 1 – 19, and as such, are rejected under the same basis.

Claims 34 – 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (2002/0029194) and further in view of Kravitz (6,029,150) and Chien et al. (2001/0054003).

As per claims 34 – 37:

The examiner notes that claims 34 – 37 recite limitations already addressed in claims 16 – 19, and as such, are rejected under the same basis.

Claims 38 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lewis et al. (2002/0029194) and further in view of Kravitz (6,029,150).

As per claim 38:

The examiner notes that claim 38 recites limitations already addressed in claim 1, and as such, are rejected under the same basis.

As per claim 39: Lewis shows:

The method as set forth in claim 38, further comprising:  
adjusting destination account data associated with the destination account by increasing a balance of the destination account by an amount of the transfer upon receiving the transfer (Abstract, Summary: where the destination account could be an escrow account that holds customer funds temporarily until the transaction is processed and closed.), and

readjusting the destination account data by decreasing the balance of the destination account one of before and after transmitting the authorization data to the merchant (Abstract, Summary: where the destination account could be an escrow account that transfers funds into the seller's account once the transaction is processed and closed.).

As per claims 40 - 42:

The examiner notes that claims 40-42 recite limitations already addressed in claims 1 – 39, and as such, are rejected under the same basis.

***Response to Arguments***

***Applicant's Arguments***

Applicant argues that Lewis in view of Kravitz and Chien does not show "a source account owned by the account holder to a destination account owned by the account holder."

***Response to Arguments***

The Examiner respectfully disagrees. Applicant's argument is moot in part and not persuasive in part. The applicant's argument is moot as the applicant is traversing the original rejection in light of the amended claims.

The argument is not persuasive because the applicant argues that Lewis in view of Katz and Chien does not show "owned by the account holder", however, the examiner notes that Lewis shows the transfer of funds can be made from the bank account of the purchaser to an escrow account until the intricacies of the transaction and carried out. Since an escrow account is an account established on behalf of the borrower or the purchaser, the bank account transferring funds to the escrow account is the "source account owned by the account holder" and the escrow account holding the

funds on behalf of the purchaser is the “destination account owned by the account holder” ([0135]-[0141]).

### ***Applicant's Arguments***

Applicant argues that “automatically requesting an automated clearing house transfer from a source account owned by the account holder to a destination account owned by the account holder via an automated clearing house network”;

### ***Response to Arguments***

The Examiner respectfully disagrees. Applicant's argument is moot in part and not persuasive in part. The applicant's argument is moot as the applicant is traversing the original rejection in light of the amended claims.

The argument is not persuasive because the applicant argues that Lewis in view of Katz and Chien does not show "owned by the account holder", however, the examiner notes that Lewis shows the transfer of funds can be made from the bank account of the purchaser to an escrow account until the intricacies of the transaction and carried out. Since an escrow account is an account established on behalf of the borrower or the purchaser, the bank account transferring funds to the escrow account is the “source account owned by the account holder” and the escrow account holding the funds on behalf of the purchaser is the “destination account owned by the account holder” ([0135]-[0141]).

Applicant's arguments submitted on 10/06/2008 with respect to amended claims have been fully considered; however, the amendments made to the claim language significantly change the scope of the claimed invention and have therefore necessitated new ground(s) of rejection.

As the remaining claims depend directly or indirectly from the amended independent claims, the examiner maintains that Lewis, Kravitz, and Chien either in obvious combination or individually clearly teach all limitations argued and presented by the applicant in the claims as currently they have been amended.

***Examiner's Note:***

Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Musselwhite et al. (20030097270) are methods, systems and articles of manufacture for providing financial accounts with incentives.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NANCY MEHTA whose telephone number is (571)270-3265. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm, alt. Friday off.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nancy Mehta

/Nga B. Nguyen/  
Primary Examiner, Art Unit 3692